

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ABINGDON DIVISION

CHARLES HOOFNAGLE)
Plaintiff)
v.) Civil Action No: 1:15-CV-00008
SMYTH-WYTHE AIRPORT COMMISSION)
Serve: Curtis Pennington)
Chairman of the Commission)
148 Hiler Bridge Road)
Chilhowie, VA 24319)
CURTIS PENNINGTON, Chairman)
In his official capacity)
Serve: 148 Hiler Bridge Road)
Chilhowie, VA 24319)
WILSON L. LEONARD, Former Chairman)
In his individual and official capacities)
Serve: 525 Saint James Rd.)
Chilhowie, VA 24319)
DONALD E. ELMORE, Vice-Chairman)
In his individual and official capacities)
Serve: 4267 Peppers Ferry Road)
Wytheville, VA 24382)
JOHN R. BENHAM, Treasurer)
In his individual and official capacities)
Serve: 5265 Century Ct.)
Wytheville, VA 24382)
FRANKLIN P. SLAVIN, JR.)
In his individual and official capacities)
Serve: 690 Old King Road)
Rural Retreat, VA 24368)
)

SCOTT FREEMAN)
In his individual and official capacities)
Serve: 840 E. Hungry Mother Dr.)
Marion, VA 24354)
)
MIKE EDWARDS)
In his individual and official capacities)
Serve: 8223 Lee Highway)
Rural Retreat, VA 24368)
)
WILLIAM T. DUNGAN)
In his individual and official capacities)
Serve: 8223 Lee Highway)
Rural Retreat, VA 24368)
)
Defendants).

MOTION TO DISMISS

COME NOW, Defendants Wilson L. Leonard, Donald E. Elmore, Franklin P. Slavin, Jr., Scott Freeman, Mike Edwards, and William T. Dungan, by counsel, and move pursuant to Rule 4 (m) and Rule 12 (b) (5) that the Plaintiff's claim against them be dismissed.

Wilson L. Leonard, Donald E. Elmore,
Franklin P. Slavin, Jr., Scott Freeman,
Mike Edwards, and William T. Dungan
By Counsel

/s/Henry S. Keuling-Stout
KEULING-STOUT, P.C.
125 Clinton Avenue East
P.O. Box 400
Big Stone Gap, Virginia 24219
VSB No. 15289
Tel: 276-523-1676

Fax: 276-523-1608
keulingstout@gmail.com
Counsel for all Defendants

/s/Michael Lockaby
GUYNN AND WADDELL, P.C.
415 S. College Avenue
Salem, VA 24153
Tel: 540-387-2320
Fax: 540-389-2350
MikeL@guynnwaddell.com
Co-counsel for Defendants Leonard, Slavin, and Dungan

CERTIFICATE OF SERVICE

I, hereby certify that on July 24, 2015 I electronically filed a Motion to Dismiss thereof on behalf of Wilson L. Leonard, Donald E. Elmore, Franklin P. Slavin, Jr., Scott Freeman, Mike Edwards, and William T. Dungan with the Clerk of the court using the CM/ECF system which will send notification of such filing to :

Richard F. Hawkins, III
Virginia Bar Number 4066
THE HAWKINS LAW FIRM, PC
2222 Monument Avenue
Richmond, Virginia 23220
rhawkin@thehawkinslawfirm.net

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